



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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November 3, 2004

Ref: 8EPR-SR

Stan and Patty Evans
45 Kootenai Drive
Libby, MT 59923

Dear Mr. and Mrs. Evans:

I apologize it's taken me some time to respond to your letter of August 11, 2004. Since the time of your letter, we did have the opportunity to meet and I visited your property at 320 Dakota Street. I also had Courtney Zamora visit with you and apologize for any difficult communications you may have had with her. However, I feel I still owe you both a written response to your concerns.

First of all, I appreciate you taking the time to write down your thoughts. As I said when we met, it is far easier for me to sort through the many issues and concerns that we receive when people take the time to rationally write down their position. In your letter, you raised several questions regarding how EPA "selects" properties for cleanup. You were frustrated that your rental at 320 Dakota Street had not been cleaned up, despite repeated requests and offers from yourselves.

As we discussed when we met, it is unfortunate that we did not take advantage of the situation offered by your vacant and "gutted" rental. Simply put, we probably should have. We certainly should have treated you better and provided better information. I won't offer any excuses, other than to say that property selection is one of the most difficult and thankless tasks we have. As we've started residential cleanup and established a system for determining which contaminated properties get cleaned up, we've tried to balance many factors including the degree of risk, the type of cleanup, the cost of cleanup, past commitments, location, homeowner requests, and many other factors. It is a difficult balance. Over the course of a year, we receive offers and tips for literally dozens of "opportunities" from property owners, all of which will reportedly save us time and money. For the most part, we have to dismiss these, as they usually do not pan out and end up taking up valuable time assessing the situation. Many property owners are trying to take advantage of the situation and get their work done sooner or have other costs offset by our work. In addition, I don't want my field staff making frequent judgment calls on who gets cleaned up and who doesn't, or who is sincere and who is not. And once we make a decision one way, we are expected to apply the same rationale to all other similar situations. In

other words, if we select your property for cleanup because it will be cheaper and easier, then others in similar situations will rightfully expect the same treatment. So, I am careful as to when I make such selections, and I instruct my contractors to stick to the basic system unless there is a real good reason why we shouldn't.

Instead of creating a selection system that is driven by those who squawk the loudest or that is heavily weighted toward one selection criteria, we have tried to create a system that is relatively unbiased, not based predominantly on choices made by staff in Libby, and balances several of the above criteria. It is imperfect and things slip through the cracks, but I can't think of any system that would satisfy everyone, meet all criteria, and take advantage of every opportunity. Because it seeks to balance many criteria, our system is also not easy to explain – it isn't as simple as location or any other single factor. In this sense, it is often subject to misinterpretation. Overall, we just expect to take our lumps until the cleanup is complete. We are criticized when we clean vacant properties such as yours (where there is no immediate exposure, no children, etc), and we are criticized by others when we don't (because the cleanup would have been easier and cheaper). Many assume we've made deals or were influenced by others in determining which properties to clean up, but that is rarely the case. In fact, nearly all properties are selected by contractors in Denver months before cleanup occurs. Through it all, I simply try to stay impartial, and I don't give in easily to anyone who challenges our approach. We are working to make the system better and more flexible when appropriate, and I hope we can get better at recognizing real opportunities and needs when they present themselves.

As you probably know, we have added your rental to the cleanup list for early next year. We owe you that much. I tried to squeeze your property in under a short-term contract available last year, but was unable to due to the limitations of that contract's capacity.

I appreciate your past support of EPA in Libby and your input. I hope you continue to support us as we move forward, despite this missed opportunity. We all want the cleanup to get done successfully and quickly – we need public support, advice, and patience to do that. If you have any additional questions, please feel free to call me in Denver at 1-800-227-8917, ext 6748.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Christiansen". The signature is fluid and cursive, with a large initial "J" and "C".

Jim Christiansen
Remedial Project Manager